

APPENDIX A.**SUPREME COURT OF THE UNITED STATES.**

No. —.

JOHN W. ROXBOROUGH, *Petitioner,**vs.***THE PEOPLE OF THE STATE OF MICHIGAN, *Respondent.***

No. —.

EVERETT I. WATSON, *Petitioner,**vs.***THE PEOPLE OF THE STATE OF MICHIGAN, *Respondent.*****Affidavit of Everett I. Watson.**

STATE OF MICHIGAN,
County of Wayne, ss:

EVERETT I. WATSON, being first duly sworn, deposes and says that he is one of the petitioners above named, and that he was the defendant in that certain cause, entitled "People of the State of Michigan, Plaintiff-Appellee, vs. Everett I. Watson, Defendant-Appellant," No. — in the Supreme Court of the State of Michigan, for review of which the writ of certiorari in this cause is sought.

That said proceedings originated in the Circuit Court for the County of Wayne, in the State of Michigan, wherein deponent was convicted on a charge of conspiring to obstruct justice. That deponent firmly believes that the proofs adduced by the people at said trial (he not having taken the stand on his own behalf on advice of his then counsel) did not prove him guilty of the charge on which he was convicted, and that his conviction was a gross miscarriage of justice.

Deponent further says that he has a good and valid defense to said charge, and verily believes that he can prove his innocence beyond any question of a doubt. That al-

though, at said trial, deponent was willing and anxious to testify in his own behalf and could thereby have proven his unquestioned innocence, his counsel refused (mistakenly, deponent believes) to permit him to do so.

Deponent further says that this petition is prosecuted in good faith and not for the purpose of delay, and that the proceedings in connection therewith have been prosecuted with all due dispatch.

EVERETT I. WATSON.

Subscribed and sworn to before me this 13 day of May, 1944.

WINIFRED CHIPMAN,
Notary Public, Wayne County, Mich.

My commission expires June 6, 1947.

APPENDIX B.

Sec. 58, ch. 103, Mich. Revised Statutes of 1846 traces its history through sec. 4400 Compiled Laws of 1857, sec. 6027 Compiled Laws of 1871 and sec. 10238 Compiled Laws of 1897 into sec. 14594 of Compiled Laws of 1915 which provides:

“In all civil cases each party may challenge peremptorily four jurors, and in all prosecutions in the name of the people of this state, not otherwise especially provided for, the attorney appearing for the people may challenge four jurors peremptorily, and the defendant may challenge five persons peremptorily, but in all cases of challenges for cause, such cause shall be immediately assigned, and the truth thereof shall be determined by the court.”

Under this section, each defendant, if several were jointly tried, had 5 peremptory challenges. *People v. Welmer*, 110 Mich. 248; *People v. Caruso*, 170 Mich. 138.

Sec. 4, ch. 165, Revised Statutes of 1846 traces its history through sec. 6071 Compiled Laws of 1857, sec. 7950 Com-

piled Laws of 1871, and sec. 11945 Compiled Laws of 1897 into sec. 15818 of Compiled Laws of 1915 which provides :

“The attorney general, or any other officer prosecuting an indictment, shall be entitled to the same challenges on behalf of the people, that are allowed by law to parties in civil causes.”

(2134)

